

EXHIBIT A

Matthew S. Mokwa (FL Bar No. 47761)
(*pro hac vice*)

The Maher Law Firm, P.A.
271 W. Canton Ave. Suite 1
Winter Park, FL 32789
407-839-0866 (Telephone)
321-304-6039 (Fax)
mmokwa@maherlawfirm.com

Plaintiff's Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Susan Cernosek, deceased

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

1 Wilbert Cernosek as Administrator of the Estate of Susan Cernosek, deceased.

- 2 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
3 the time of implant:

4 Texas

- 5 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
6 the time of injury:

7 Texas

- 8 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

9 Texas

- 10 7. District Court and Division in which venue would be proper absent direct filing:

11 Southern District of Texas - Houston Division

- 12 8. Defendants (check Defendants against whom Complaint is made):

13 ☒ C.R. Bard Inc.

14 ☒ Bard Peripheral Vascular, Inc.

- 15 9. Basis of Jurisdiction:

16 ☒ Diversity of Citizenship

17 ☐ Other: _____

- 18 a. Other allegations of jurisdiction and venue not expressed in Master
19 Complaint:
20 _____

- 21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
22 claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

5/24/2008

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information
Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Texas (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☒ Count XVI: Wrongful Death
- ☒ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 2nd day of December, 2019.

2 Respectfully submitted,

3
4 By: s/ Matthew S. Mokwa
5 Matthew S. Mokwa (FL Bar No. 47761)
6 (admitted *pro hac vice*)
7 **The Maher Law Firm, P.A.**
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12 mmokwa@maherlawfirm.com
13

14 I hereby certify that on this 2nd day of December, 2019, I electronically
15 transmitted the attached document to the Clerk's Office using the CM/ECF system for filing
16 and transmittal of a Notice of Electronic Filing.
17

18 /s/ Matthew S. Mokwa
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